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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3-06-70306 EDL
)	
Plaintiff,)	
)	
v.)	[PROPOSED] ORDER AND
)	STIPULATION EXTENDING TIME
ANTONIO MELENDEZ-TORRES,)	UNDER RULE 5.1 AND EXCLUDING
aka Antonio Torres Melendez,)	TIME UNDER THE SPEEDY TRIAL ACT
)	
Defendant.)	
)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties appeared on the instant matter May 18, 2006 in front of the Honorable Elizabeth D. Laporte for defendant's initial appearance on the complaint. On May 18, 2006, the matter was continued to June 6, 2006 for a detention hearing and to set an arraignment / preliminary hearing.

2. On May 18, 2006, Assistant Public Defender Steven G. Kalar, who represents the defendant, requested an exclusion of time from May 18, 2006 to June 6, 2006, based on effective preparation and continuity of counsel. The defendant agreed to an extension of time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties agree that the time from May 18, 2006 to June 6, 2006

should be extended under Rule 5.1(d) and excluded in computing the time within which an information or indictment must be filed. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

3. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See id. The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

4. For the reasons stated, the time period from May 18, 2006 to June 6, 2006 is extended under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

IT IS SO STIPULATED.

DATED: _____

Respectfully Submitted,

/S/

NAHLA RAJAN
Special Assistant United States Attorney

DATED: _____

/S/

STEVEN G. KALAR
Counsel for Antonio Melendez-Torres

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 6/2/06 _____

HONORABLE ELIZABETH D. LAPORTE
United States Magistrate

